

ASSEMBLY BILL

No. 1262

Introduced by Assembly Member Caballero

February 23, 2007

An act to amend Section 56425 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1262, as introduced, Caballero. Spheres of influence.

Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. Existing law requires, until January 1, 2008, that at least 30 days prior to submitting an application to the commission for a determination of a new sphere of influence or to update an existing sphere of influence for a city, representatives from the city meet with county representatives to discuss the proposed sphere and its boundaries, and to explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere, as specified. If an agreement is reached, it is required to be submitted to the commission, which shall give it great weight in the final determination of the city's sphere of influence. If no agreement is reached, the commission shall consider the applicant city's sphere of influence consistent with specified policies of the commission.

This bill would delete the January 1, 2008, limitation provision and make the existing requirements permanent.

Because the bill would permanently extend existing requirements that apply to local government entities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56425 of the Government Code is
2 amended to read:

3 56425. (a) In order to carry out its purposes and responsibilities
4 for planning and shaping the logical and orderly development and
5 coordination of local governmental agencies—~~so~~ as to
6 advantageously provide for the present and future needs of the
7 county and its communities, the commission shall develop and
8 determine the sphere of influence of each local governmental
9 agency within the county and enact policies designed to promote
10 the logical and orderly development of areas within the sphere.

11 (b) At least 30 days prior to submitting an application to the
12 commission for a determination of a new sphere of influence, or
13 to update an existing sphere of influence for a city, representatives
14 from the city shall meet with county representatives to discuss the
15 proposed sphere, and its boundaries, and explore methods to reach
16 agreement on the boundaries, development standards, and zoning
17 requirements within the sphere to ensure that development within
18 the sphere occurs in a manner that reflects the concerns of the
19 affected city and is accomplished in a manner that promotes the
20 logical and orderly development of areas within the sphere. If no
21 agreement is reached between the city and county within 30 days,
22 then the parties may, by mutual agreement, extend discussions for
23 ~~an a single~~, additional period of 30 days. If an agreement is reached
24 between the city and county regarding the boundaries, development
25 standards, and zoning requirements within the proposed sphere,
26 the agreement shall be forwarded to the commission, and the
27 commission shall consider and adopt a sphere of influence for the
28 city consistent with the policies adopted by the commission
29 pursuant to this section, and the commission shall give great weight

1 to the agreement in the commission's final determination of the
2 city sphere.

3 (c) If the commission's final determination is consistent with
4 the agreement reached between the city and county pursuant to
5 subdivision (b), the agreement shall be adopted by both the city
6 and county after a noticed public hearing. Once the agreement has
7 been adopted by the affected local agencies and their respective
8 general plans reflect that agreement, then any development
9 approved by the county within the sphere shall be consistent with
10 the terms of that agreement.

11 (d) If no agreement is reached pursuant to subdivision (b), the
12 application may be submitted to the commission and the
13 commission shall consider a sphere of influence for the city
14 consistent with the policies adopted by the commission pursuant
15 to this section.

16 (e) In determining the sphere of influence of each local agency,
17 the commission shall consider and prepare a written statement of
18 its determinations with respect to each of the following:

19 (1) The present and planned land uses in the area, including
20 agricultural and open-space lands.

21 (2) The present and probable need for public facilities and
22 services in the area.

23 (3) The present capacity of public facilities and adequacy of
24 public services that the agency provides or is authorized to provide.

25 (4) The existence of any social or economic communities of
26 interest in the area if the commission determines that they are
27 relevant to the agency.

28 (f) Upon determination of a sphere of influence, the commission
29 shall adopt that sphere.

30 (g) On or before January 1, 2008, and every five years thereafter,
31 the commission shall, as necessary, review and update each sphere
32 of influence.

33 (h) The commission may recommend governmental
34 reorganizations to particular agencies in the county, using the
35 spheres of influence as the basis for those recommendations. Those
36 recommendations shall be made available, upon request, to other
37 agencies or to the public. The commission shall make all reasonable
38 efforts to ensure wide public dissemination of the
39 recommendations.

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall do all of the following:

(1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

(2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

~~(j) Subdivisions (b), (c), and (d) shall become inoperative as of January 1, 2008, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends that date.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.